

Appl. No. : 10/041,036
Filed : November 8, 2001

REMARKS

Prior to entry of the foregoing amendments, Claims 1-7, 10, 11, 14-19, 22-38 and 45 through 88 stand pending in the present application. Claims 31 through 38 stand withdrawn. This Amendment amends Claims 56 and 67 and cancels Claims 1-7, 10, 11, and 14-18.

Thus, after entry of this Amendment, Claims 19, 22 through 30, and 45 through 88 are pending and presented for further consideration.

CLAIM REJECTIONS

In the January 28, 2004 Office Action, the Examiner rejected Claims 1-7, 10, 11, and 15-18 under 35 U.S.C. § 103(a). Claim 14 was rejected under 35 U.S.C. § 112, second paragraph. Claims 56-88 were rejected under 35 U.S.C. § 112, first paragraph. Claims 19, 22-30 and 45-55 were allowable. Though the Office Action Summary states that Claim 5 is allowable, it seems to stand rejected. Also, though the Office Action Summary lists only Claim 45 as allowable, Applicant assumes that dependant Claims 46-55 are also allowable. Applicant has been unable to reach the Examiner to clarify these issues.

Applicant disagrees with the propriety of the rejections. However, these rejections are now moot in view of the amendments presented above.

REJECTION OF CLAIMS 56-88 UNDER 35 U.S.C. § 112

Claims 56-88 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that a sensing surface located on the radially inwardly most side of the sensor was not described in the specification. In view of the following discussion, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the specification does disclose a sensor surface located at the radially inwardly most side of the sensor. For example, on page 7, paragraph 28, the specification teaches that "the sensor surface is placed at the apex of the luminal surface of the streamlined housing, so that the shear rate at the sensor/blood interface is sufficient to minimize the thickness of the formed thrombus layer." Thus, the Applicant has generally described the sensor surface as being the area of interface between blood and sensor. See also, e.g., page 7, paragraph 29; page 7, paragraph 30; page 17, paragraph 77; page 34, paragraph 132.

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Nevertheless, the Examiner stated that reciting that the sensing surface is on the radially inward most side of the tubular support would be allowable. Accordingly, Applicant has amended Claims 56 and 67 to recite that the sensing surface is positioned radially inwardly from the tubular support structures. Thus, Claims 56 and 67 are believed to be allowable. Claims 57-66, which depend from Claim 56, and Claims 68-88, which depend from Claim 67, are believed to be patentable for the same reasons articulated above with respect to Claims 56 and 67, and because of the additional features recited therein. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection and pass Claims 56-88 to allowance.

CONCLUSION

Applicant respectfully submits that Claims 19, 22-30, and 45-88 are patentably distinct and Applicant respectfully requests allowance of these claims. Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without entry of such amendments. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,

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